

SECOND REGULAR SESSION

# SENATE BILL NO. 1076

94TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR ENGLER.

Read 1st time February 4, 2008, and ordered printed.

TERRY L. SPIELER, Secretary.

4895S.02I

## AN ACT

To repeal section 537.294, RSMo, and to enact in lieu thereof one new section relating to firearm ranges and hunting preserves.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

Section A. Section 537.294, RSMo, is repealed and one new section  
2 enacted in lieu thereof, to be known as section 537.294, to read as follows:

537.294. 1. As used in this section, the [term] **following terms shall**  
2 **mean:**

3 (1) "Firearm range" [means], any rifle, pistol, silhouette, skeet, trap,  
4 blackpowder or other similar range in this state used for discharging firearms in  
5 a sporting event or for practice or instruction in the use of a firearm, or for the  
6 testing of a firearm;

7 (2) "**Hunting preserve**", any **hunting preserve or licensed shooting**  
8 **area operating under a permit granted by the Missouri department of**  
9 **conservation.**

10 2. All owners **and users** of firearm ranges in existence on August 13,  
11 1988, shall be immune from any criminal liability arising out of or as a  
12 consequence of noise or sound emission resulting from the normal use of any such  
13 firearm range. Owners of such firearm ranges shall not be subject to any action  
14 for public or private nuisance or trespass and no court in this state shall enjoin  
15 the use or operation of such firearm ranges on the basis of noise or sound  
16 emission resulting from the normal use of any such firearm range. The term  
17 "normal use" of a firearm range, as used in this subsection, means the average  
18 level of use of the firearm range during the twelve months preceding August 13,  
19 1988.

**EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.**

20           3. All owners **and users** of firearms ranges placed in operation after  
21 August 13, 1988, shall be immune from any criminal liability and shall not be  
22 subject to any **civil action in tort or subject to any action** for public or  
23 private nuisance or trespass arising out of or as a consequence of noise or sound  
24 emission resulting from the normal use of any such firearm range, **nor shall any**  
25 **court enjoin the use or operation of a firearm range on any such basis,**  
26 if such firearm range conforms to any one of the following requirements:

27           (1) Any area from which any firearm may be properly discharged is at  
28 least one thousand yards from any occupied permanent dwelling on adjacent  
29 property;

30           (2) Any area from which any rifle or pistol may be properly discharged is  
31 enclosed by a permanent building or structure that absorbs or contains the sound  
32 energy escaping from the muzzle of firearms in use; or

33           (3) If the firearm range is situated on land otherwise subject to land use  
34 zoning, the firearm range is in compliance with the requirements of the zoning  
35 authority regarding the sound deflection or absorbent baffles, barriers, or other  
36 sound emission control requirements.

37           4. All owners and users of existing hunting preserves or areas  
38 that are designated as hunting preserves after the effective date of this  
39 section shall be immune from any criminal and civil liability arising  
40 out of or as a consequence of noise or sound emission resulting from  
41 the normal use of any such hunting preserve. Owners or users of such  
42 hunting preserves shall not be subject to any action for public or  
43 private nuisance or trespass arising out of or as a consequence of noise  
44 or sound emission resulting from the normal use of any such hunting  
45 preserve, and no court in this state shall enjoin the use or operation of  
46 such hunting preserves on such a basis.

47           5. Notwithstanding any other provision of law to the contrary,  
48 nothing in this section shall be construed to limit civil liability for  
49 compensatory damage arising from physical injury to another human,  
50 physical injury to tangible personal property, or physical injury to  
51 fixtures or structures placed on real property.

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